IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1018 OF 2007
IN
APPEAL FROM ORDER NO.719 OF 2007

Smt.Pramila Ramesh Deodhar & Ors. ...Applicants

vs.

Yashwant Shankar Deodhar & Ors. ...Respondents

Mr.V.P.Sawant with Mr.Appolo Moghe for the Applicants.
Mr. N.V.Walawalkar for Respondent Nos.1 and 2.
Mr.Vinay Bhate for Respondent Nos.3 to 9.

CORAM: A.S.OKA,J.
DATE : NOVEMBER 2, 2007.

P.C.:

1. I have heard the learned counsel for the Applicants, learned senior counsel for the Respondent Nos.1 and 2 and the learned counsel for the Respondent Nos.3 to 9.

2. I have perused the impugned order and other documents placed on record.

3. The Appeal from Order is already fixed for final hearing on 3rd December 2007. Considering the facts and circumstances of the case, workable arrangement will have to be made till the final disposal of the Appeal. Looking to the strained relationship between the parties, without the Appeal being heard on merits, I am not inclined to accept the submission made by the learned counsel for the Appellants that the Appellants may be permitted to occupy the room No.11 and the

Respondent nos.1 and 2 may be permitted to occupy the room no.12.

4. Considering the facts and circumstances of case, till the final disposal of the Appeal parties will be governed by the following interim arrangement :

i) The Appellants will remove the grill which is fixed in the passage within a period of three weeks from today. It will be open for the Appellants to shift the articles lying in the passage running across the room Nos.11 and 12 to room no.11 in presence of the Court Commissioner Mr.N.S.Chury. After the articles are shifted to Room No.11, till the final disposal of the Appeal, Room No.11 will be kept locked by using the existing locks. However, the Appellants are free to take away the articles lying in the passage.

ii) Till the final disposal of the suit, Respondent Nos.1 and 2 are permitted to occupy the room No.12 subject to condition that the Respondent Nos.1 and 2 will give undertaking to this court within a period of three weeks from today stating therein that their occupation of room no.12 will be subject to final outcome of the Appeal and they will remove themselves from room No.12 in case such direction is issued by this court while deciding the

Appeal finally.

iii) The Respondent Nos.1 and 2 will also give an undertaking that they will not create any third party interest in respect of the room Nos.11 and 12 and will not part with possession of room No.12 in favour of any third party. If undertaking is not filed within stipulated period of three weeks, it will be open for the Appellants to move this court for vacating the arrangement made under this order.

iv) It is obvious that this workable arrangement will govern the parties till the disposal of the Appeal without prejudice to their respective rights and contentions.

v) Civil Application is accordingly disposed of.

JUDGE